

Amendment
Application No. 10/502,296
Attorney Docket No. 042515

REMARKS

Claims 1, 2, 6 and 8-24 are pending. Claims 1, 8, 9, 11 and 16 are herein amended.

Claims 3-5 and 7 are canceled.

Claim Rejections - 35 U.S.C. § 112

Claim 16 was rejected under 35 U.S.C. § 112 for being indefinite. The Examiner states that the limitation “the anti-cracking layers” lacks antecedent basis since claim 1 only recites one anti-cracking layer. Claim 16 has been amended to recite the anti-cracking layer in singular form. Withdrawal of the rejection is requested.

Claim Rejections based on Prior Art

Claims 1, 4, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Shiozaki* (U.S. Patent 5,193,020); claims 12, 13, 16, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shiozaki*; claims 2, 3, 5, 6, 14, 15, 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shiozaki* in view of *Oka* (U.S. Patent 5,976,297); claims 7-9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shiozaki* in view of *Broer* (U.S. Patent 5,506,704); claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shiozaki* in view of *Broer*, and further in view of *Ohnishi* (U.S. Patent 5,730,899); and claims 21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shiozaki* in view of *Sarma* (U.S. Patent 5,717,474). Favorable reconsideration is requested.

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Oka and Sarma were not listed on Form PTO-892 "Notice of References Cited."

Applicants request that the references be made of record by listing them on Form PTO-892.

Claim 1 has been amended to include the limitations of original claims 4 and 7. Claims 2, 6 and 8-24 all depend directly or indirectly from claim 1. Thus applicants only address the rejection of original claim 7 based on Shiozaki in view of Broer.

The essence of the present invention is that, by combining an optical compensation layer made of a cholesteric layer with an adhesive except an acrylic adhesive, the adhesive layer can achieve an anti-cracking function of the cholesteric layer.

Shiozaki discloses a compensator for a liquid crystal display. (Col. 1, lines 6-9.) The compensator includes a compensating layer 12, an adhesive 13, and a light transmitting base 14. The adhesive 13 is laminated on a surface of the compensating layer 12. (See Fig. 1.) The adhesive is disclosed as being, for example, epoxy based. (Col. 27, lines 18-22.) *Shiozaki* also discloses using the compensator on a liquid crystal cell. (Col. 28, lines 60-64.)

The Examiner acknowledges that *Shiozaki* does not disclose that the optical compensation layer is a cholesteric layer whose constituent molecules are aligned in the form of a cholesteric structure as recited in amended claim 1; that the thickness of the cholesteric layer ranges from 0.5 to 10 μm as recited in claim 8; that the constituent molecules are non-liquid crystal polymers as recited in claim 9; and that the non-liquid crystal polymer is a polymer obtained by polymerizing or cross-linking liquid crystal monomers as recited in claim 9. (Office Action, pages 8-9.)

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The Examiner cites *Broer* for disclosing such features. (Office Action, page 9.) *Broer* discloses a cholesteric polarizer comprising an optically active layer of a polymer material having a cholesteric order. (Col. 1, lines 6-8.)

Applicants respectfully submit that one of ordinary skill in the art at the time of the invention would not have been motivated to combine the teachings of *Broer* with the teachings of *Shiozaki*.

Broer teaches a method of manufacturing a polarizer; whereas *Shiozaki* discloses a compensator for a liquid crystal display. One of ordinary skill in the art at the time of the invention would not have been motivated to combine cholesteric polymers used in a polarizer with a compensator for a liquid crystal display. Therefore, claim 1 is patentable over Shiozaki in view Broer.

Claims 2, 6 and 8-24 depend from claim 1. Thus, for at least the foregoing reasons claims 2, 6 and 8-24 are also patentable.

Accordingly, withdrawal of the rejection of claims 1, 2, 6 and 8-24 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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